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Question of the Falkland Islands (Malvinas)

Letter dated 21 February 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 31 January 2013 from the Permanent Representative of Argentina to the United Nations addressed to you (A/67/726) transmitting, in an annex, a special communiqué on the question of the Falkland Islands (Malvinas), adopted at the twenty-second Ibero-American Summit, held in Cadiz, Spain, on 16 and 17 November 2012.

The United Kingdom recalls its letters to the Secretary-General of 17 January 2013 (A/67/703) and 27 January 2012 (A/66/677). The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands; the historical facts and legal position are clear.

The relationship of association between the United Kingdom and the Falkland Islands is based on mutual consent and the principle of self-determination, which is enshrined in Article 1.2 of the Charter of the United Nations and which underlies our position on the sovereignty of the Falkland Islands. The right of self-determination for all peoples is set out in common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, yet Argentina continues to deny that these fundamental human rights apply to the people of the Falkland Islands. The United Kingdom remains committed to defending the rights of the people of the Falkland Islands to determine their own political, social and economic future. We urge the Government of Argentina to respect the outcome of the referendum to be held on the Islands in March 2013. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish.

South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the Falkland Islands at the United Nations and is not a listed territory within the Decolonization Committee. The United Kingdom formally took possession of these islands in 1775 and, with the exception of six weeks illegal occupation in 1982, has had uninterrupted possession ever since. The Republic of Argentina never protested British sovereignty over South Georgia and the South Sandwich Islands until it conceived its claim to South Georgia in 1927 and to the South Sandwich Islands in 1948. In the 1940s and 1950s, the United

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Kingdom offered to refer the issue of sovereignty over South Georgia and the South Sandwich Islands to the International Court of Justice or to international arbitration for settlement. Regrettably, the Republic of Argentina, without explanation, rejected all of these offers and refused to accept the jurisdiction of the International Court of Justice in this matter.

The Government of the United Kingdom rejects any suggestion that hydrocarbons exploration in Falkland Islands waters amounts to unilateral action by the Government of the United Kingdom and is being carried out in contravention of General Assembly resolution 31/49 of 1976. The Government of the United Kingdom strongly supports the Government of the Falkland Islands in developing its own economy. The decision to exploit its natural resources was made by the Falkland Islands Government, in accordance with the right of self-determination under international law, as expressly contained in common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. All activities related to hydrocarbons on the continental shelf of the Falkland Islands are regulated by legislation of the Falkland Islands Government, in strict accordance with the United Nations Convention on the Law of the Sea.

The Government of the United Kingdom regrets the reduction in cooperation in South Atlantic affairs over recent years. It notes that in 2007 the Government of Argentina chose to withdraw from the 1995 United Kingdom-Argentina Joint Declaration on Cooperation over Offshore Activities in the South West Atlantic. It also notes that Argentina has refused to participate in fisheries cooperation under the South Atlantic Fisheries Commission, despite the serious impact on the environmental sustainability of fish stocks in the South Atlantic.

The United Kingdom also recalls its letter to the Secretary-General of 22 February 2012 (A/66/706), in which the United Kingdom unequivocally rejected unfounded assertions of reinforcing its military presence in the South Atlantic. The United Kingdom had a minimal military presence in the South Atlantic prior to the Republic of Argentina's illegal invasion of the Falkland Islands in 1982. The Republic of Argentina did not abide by the Security Council resolutions of 1982 calling on it to withdraw its forces peacefully; and it had to be forcibly removed. The United Kingdom military presence increased after 1982 due to the direct and continued threat posed to the Falkland Islands and its people by the Republic of Argentina. Since then, the United Kingdom has maintained a presence designed solely to reassure and to protect the rights of the Falkland Islanders to determine their own political, economic and cultural futures.

The Government of the United Kingdom remains open to discussions with the Government of Argentina on a whole range of issues relating to cooperation in the South Atlantic. The Government of the United Kingdom will continue to encourage the Government of Argentina and the Falkland Islands Government to foster an environment of mutual cooperation between the Falkland Islands and Argentina, using the formula on sovereignty contained in the United Kingdom-Argentina joint statement of 19 October 1989.

I should be grateful if you would circulate the text of the present letter as a document of the General Assembly, under agenda item 45.

(*Signed*) Mark **Lyall Grant**